

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC)	CASE NO. 1:19-cv-145
)	
Plaintiff,)	
)	JUDGE DAN AARON POLSTER
)	
v.)	MAGISTRATE JUDGE
)	THOMAS M. PARKER
SOUTH UNIVERSITY OF OHIO, LLC,)	
<i>et al.</i>)	
)	
Defendants.)	

**OBJECTION OF THE STUDENT INTERVENORS TO THE
MOTION TO AMEND THE ORDER APPOINTING THE RECEIVER, AND TO
THE STIPULATION AND AGREED ORDER BETWEEN THE RECEIVER,
PLAINTIFF, DEFENDANTS, AND U.S. BANK NATIONAL ASSOCIATION**

Now come Student Intervenor, Emmanuel Dunagan, Jessica Muscari, Robert J. Infusino and Stephanie Porreca, by and through their undersigned counsel, and respectfully oppose the Motion to Amend the Order Appointing Receiver filed by Receiver Mark E. Dottore (ECF 72) and the entry of the Stipulation and Agreed Order Between Receiver, Plaintiff, Defendants, Receivership Entities, and U.S. Bank (ECF 73) and state as follows.

The Receiver's Motion and the Stipulation do not give sufficient detail to support the entry of either Order. The Receiver fails to give any reasoned explanation as to why the changes are necessary to the Receivership Order, nor identify the "government entities and lenders" with "significant interests in the litigation" (Dkt. 72 at 1) so that Student Intervenor can make an informed judgment about whether *their* significant interests in the litigation will be affected. The Student Intervenor echo the position of Intervenor Buncher Company as set forth in its opposition

to the Motion (ECF 76), and request that the Court set a briefing schedule on the Motion and schedule a hearing on the same.

Similarly, the Receiver's Stipulation and Order provide no explanation of what "The Candlewood Holdback Amount" is, or why it should "be used or otherwise disposed of . . . without the need for a further Court Order." Dkt. 73 at 3. By want of such content, the Motion can only serve to deprive the interested parties, who are not privy to the dealings between the Receiver and Defendants' creditors, of their due process rights.

Dated: March 4, 2019

Respectfully submitted,

s/Richard S. Gurbst

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CERTIFICATE OF SERVICE

It is hereby certified that on the 4th day of March, 2019, the foregoing Objection was electronically filed through the Court's CM/ECF system, which caused the parties or counsel to be served by electronic means. The parties may access this filing through the Court's ECF system.

s/Richard S. Gurbst
One of the Attorneys for Student Intervenors